

REPLY

The Examiner withdrew claim 4 as being directed to a non-elected invention.

The Examiner rejected claims 1-3 as being unpatentable over the admitted prior art in view of any one of Cozzoli '342, Cozzoli '688, Bradford et al, JP 59178210, or Marchesini (USP 4,991,377).

The newly cited reference JP 59178210 discloses a polyethylene pipe 14 that is heated while being rotated by a motor 11. Torsion is applied to the heated part so that it is cut off. The primary purpose for rotating the pipe disclosed in JP 5917821 is so that the rotation can be stopped creating torsion so resulting in a twisting of the pipe and it being cut off or separated from another section of the pipe.

The newly cited reference Marchesini relates to a capsule made of a soluble material and used in the pharmaceutical sector to contain medicine to be swallowed. This reference discloses joining a cap and a body of the capsule by directing a flow of hot compressed fluid while drive 12 causes the capsule 3 to rotate M about the relative axis 3a. Marchesini joins together two halves of a closed capsule made of a soluble material intended to be swallowed.

Both of the newly cited references are quite distinct from the problems encountered with sealing an open end of a resinous tube. None of the newly cited references are related to the problems associated with sealing an open end of a resinous tube to be charged with a filling material, such as cosmetic, adhesive, or the like.

Therefore, there would be no motivation whatsoever to combine the references as advocated by the Examiner. To cite references that disclose rotating a pipe or capsule for completely different purposes or to solve completely different problems without any suggestion or motivation to combine them with the admitted prior art devices, is clearly using impermissible hindsight in view of applicant's own disclosure. The combination advocated by the Examiner merely pieces together from unrelated fields, the different elements of the invention without any suggestion or motivation to do so.

Even if the references could be combined as advocated by the Examiner, the method as recited in amended claim 3 would not result. Amended method claim 3 recites specific method steps that are not disclosed or suggested in any of the references cited. For example the step of holding the pouring-out end of the resinous tube in a conveying jig, placing the conveying jig on a receiving portion, conveying the conveying jig with the conveying apparatus into a seal portion heating apparatus, ascending an

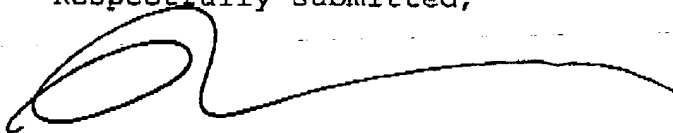
ascending/descending member, separating the conveying jig, and advancing the ascending/descending member until a heating apparatus is inserted into an open end portion of the resinous tube.

Clearly these specific method steps could not have been easily derived or would not have been obvious simply from the teachings disclosed in the cited references as advocated. Therefore, it is believed that amended method claim 3 is patently distinct and should be allowed.

Rejected claims 1-2 have been cancelled. Withdrawn claim 4 has been cancelled. Amended method claim 3 is the only claim remaining in the application.

The only claim remaining in the application is now believed to be allowable. Therefore, it is respectfully requested that the Examiner enter this proposed Amendment and Reply After Final, forward the Notice of Allowability, and pass the application to issue.

Respectfully submitted,



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